

(2) Replacement of components such as valves, vents, and fittings with a component of a similar design and of the same size.

Owner means the person who owns a cargo tank motor vehicle used for the transportation of hazardous materials, or that person's authorized agent.

Piping system means any component of a cargo tank delivery system, other than a delivery hose assembly, that contains product during loading or unloading.

Rebarrelling means replacing more than 50 percent of the combined shell and head material of a cargo tank.

Repair means any welding on a cargo tank wall done to return a cargo tank or a cargo tank motor vehicle to its original design and construction specification, or to a condition prescribed for a later equivalent specification in effect at the time of the repair. Excluded from this category are the following:

(1) A change to motor vehicle equipment such as lights, truck or tractor power train components, steering and brake systems, and suspension parts, and changes to appurtenances, such as fender attachments, lighting brackets, ladder brackets; and

(2) Replacement of components such as valves, vents, and fittings with a component of a similar design and of the same size.

(3) Replacement of an appurtenance by welding to a mounting pad.

Replacement of a barrel means to replace the existing tank on a motor vehicle chassis with an unused (new) tank. For the definition of *tank*, see §178.320, §178.345, or §178.338-1 of this subchapter, as applicable.

Stretching means any change in length, width or diameter of the cargo tank, or any change to a cargo tank motor vehicle's undercarriage that may affect the cargo tank's structural integrity.

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§ 180.405 Qualification of cargo tanks.

(a) *General.* Unless otherwise provided in this subpart, each cargo tank used for the transportation of hazardous material must be an authorized packaging.

(b) *Cargo tank specifications.* (1) To qualify as an authorized packaging, each cargo tank must conform to this subpart, the applicable requirements specified in part 173 of this subchapter for the specific lading, and where a DOT specification cargo tank is required, an applicable specification in effect on the date initial construction began: MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, MC 312, MC 330, MC 331, MC 338, DOT 406, DOT 407, or DOT 412 (§§178.337, 178.338, 178.345, 178.346, 178.347, 178.348 of this subchapter). However, except as provided in paragraphs (b)(2), (d), (e), (f)(5), and (f)(6) of this section, no cargo tank may be marked or certified after August 31, 1995, to the applicable MC 306, MC 307, MC 312, MC 331, or MC 338 specification in effect on December 30, 1990.

(2) *Exception.* A cargo tank originally manufactured to the MC 306, MC 307, or MC 312 specification may be recertified to the original specification provided:

(i) Records are available verifying the cargo tank was originally manufactured to the specification;

(ii) If the cargo tank was stretched, rebarrelled, or modified, records are available verifying that the stretching, rebarrelling, or modification was performed in accordance with the National Board Inspection Code and this part;

(iii) A Design Certifying Engineer or Registered Inspector verifies the cargo tank conforms to all applicable requirements of the original specification and furnishes to the owner written documentation that verifies the tank conforms to the original structural design requirements in effect at the time the tank was originally constructed;

(iv) The cargo tank meets all applicable tests and inspections required by §180.407(c); and

(v) The cargo tank is recertified to the original specification in accordance with the reporting and record retention provisions of §180.417. The certification documents required by §180.417(a)(3)

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must include both the date the cargo tank was originally certified to the specification and the date it was recertified. The specification plate on the cargo tank or the cargo tank motor vehicle must display the date the cargo tank was originally certified to the specification.

(c) *Cargo tank specifications no longer authorized for construction.* (1) A cargo tank made to a specification listed in column 1 of table 1 or table 2 of this paragraph (c)(1) may be used when authorized in this part, provided—

(i) The cargo tank initial construction began on or before the date listed in table 1, column 2, as follows:

TABLE 1

Column 1	Column 2
MC 300	Sept. 2, 1967
MC 301	June 12, 1961
MC 302, MC 303, MC 304, MC 305, MC 310, MC 311.	Sept. 2, 1967
MC 330	May 15, 1967

(ii) The cargo tank was marked or certified before the date listed in table 2, column 2, as follows:

TABLE 2

Column 1	Column 2
MC 306, MC 307, MC 312	Sept. 1, 1995

(2) A cargo tank of a specification listed in paragraph (c)(1) of this section may have its pressure relief devices and outlets modified as follows:

(i) A Specification MC 300, MC 301, MC 302, MC 303, or MC 305 cargo tank, to conform with a Specification MC 306 or DOT 406 cargo tank (See §§178.346–3 and 178.346–4 of this subchapter).

(ii) A Specification MC 306 cargo tank to conform to a Specification DOT 406 cargo tank (See §§178.346–3 and 178.346–4 of this subchapter).

(iii) A Specification MC 304 cargo tank, to conform with a Specification MC 307 or DOT 407 cargo tank (See §§178.347–4 and 178.345–11 of this subchapter).

(iv) A Specification MC 307 cargo tank, to conform with a Specification DOT 407 cargo tank (See §§178.347–4 and 178.345–11 of this subchapter).

(v) A Specification MC 310 or MC 311 cargo tank, to conform with a Specification MC 312 or DOT 412 cargo tank

(See §§178.348–4 and 178.345–11 of this subchapter).

(vi) A Specification MC 312 cargo tank, to conform with a Specification DOT 412 cargo tank (See §§178.348–4 and 178.345–11 of this subchapter).

(vii) A Specification MC 330 cargo tank, to conform with a Specification MC 331 cargo tank, except as specifically required by §173.315 of this subchapter (see §§178.337–8 and 178.337–9 of this subchapter).

(d) *MC 338 cargo tank.* The owner of a cargo tank that conforms to and was used under the terms of an exemption issued before October 1, 1984, that authorizes the transportation of a cryogenic liquid shall remove the exemption number stenciled on the cargo tank and stamp the specification plate (or a plate placed adjacent to the specification plate) “DOT MC 338” followed by the exemption number, for example, “DOT MC 338–E * * * *”. (Asterisks to be replaced by the exemption number). The cargo tank must be remarked prior to the expiration date of the exemption. During the period the cargo tank is in service, the owner of a cargo tank that is remarked in this manner must retain at its principal place of business a copy of the last exemption in effect. No new construction of cargo tanks pursuant to such exemption is authorized.

(1) The holding time must be determined, as required in §178.338–9 of this subchapter, on each cargo tank or on at least one cargo tank of each design. Any subsequent cargo tank manufactured to the same design type (see §178.320), if not individually tested, must have the optional test regimen performed during the first shipment (see §178.338–9 (b) and (c) of this subchapter).

(2) The holding time determined by test for one authorized cryogenic liquid may be used as the basis for establishing the holding time for other authorized cryogenic liquids.

(e) *MC 331 cargo tanks.* The owner of a MC 331 (§178.337 of this subchapter) cargo tank that conforms to and was used under an exemption issued before October 1, 1984, that authorizes the transportation of ethane, refrigerated

liquid; ethane-propane mixture, refrigerated liquid; or hydrogen chloride, refrigerated liquid shall remove the exemption number stenciled on the cargo tank and stamp the exemption number on the specification plate (or a plate placed adjacent to the specification plate), immediately after the DOT Specification, for example, "DOT MC 331-E * * * *". (Asterisks to be replaced by the exemption number.) The cargo tank must be remarked prior to the expiration date of the exemption. During the period the cargo tank is in service, the owner of a cargo tank that is remarked in this manner must retain at the owner's principal place of business a copy of the last exemption in effect.

(f) *MC 306, MC 307, MC 312 cargo tanks.* Either a Registered Inspector or a Design Certifying Engineer and the owner of a MC 306, MC 307 or MC 312 cargo tank motor vehicle constructed in accordance with and used under an exemption issued before December 31, 1990, that authorizes a condition specified in this paragraph shall examine the cargo tank motor vehicle and its design to determine if it meets the requirements of the applicable MC 306, MC 307 or MC 312 specification in effect at the time of manufacture, except as specified herein.

(1) A cargo tank motor vehicle constructed after August 1, 1981, or the date specified in the applicable exemption, in conformance with the following conditions that apply, may be remarked and certified in accordance with paragraphs (f) (5) and (6) of this section:

(i) A vacuum-loaded cargo tank must have an ASME Code stamped specification plate marked with a minimum internal design pressure of 25 psig, and be designed for a minimum external design pressure of 15 psig.

(ii) An outlet equipped with a self-closing system which includes an external stop-valve must have the stop valve and associated piping protected within the vehicle's rear-end tank protection device, vehicle frame or an equally adequate accident damage protection device (See §178.345-8 of this subchapter.) The self-closing system (See §178.345-11 of this subchapter) must be equipped with a remotely actuated means of closure as follows:

(A) For a cargo tank used in other than corrosive service, the remote means of closure must be activated for closure by manual or mechanical means and, in case of fire, by an automatic heat activated means.

(B) For a cargo tank used in corrosive service, the remote means of closure may be actuated by manual or mechanical means only.

(iii) A cargo tank having an unreinforced portion of the shell exceeding 60 inches must have the circumferential reinforcement located so that the thickness and tensile strength of shell material in combination with the frame and circumferential reinforcement produces a structural integrity at least equal to that prescribed in §178.345-3 of this subchapter or the specification in effect at time of manufacture.

(iv) A cargo tank having a projection from the tank shell or head that may contain lading in any tank position is authorized, provided such projection is as strong as the tank shell or head and is located within the motor vehicle's rear-end tank protection or other appropriate accident damage protection device.

(v) A cargo tank may be constructed of nickel, titanium, or other ASME sheet or plate materials in accordance with an exemption.

(2) A vacuum-loaded cargo tank constructed after August 1, 1981, or the date specified in the applicable exemption, in conformance with paragraph (f)(1) of this section, except that an outlet equipped with an external valve which is not part of a self-closing system:

(i) Must be equipped with a self-closing system prior to September 1, 1993.

(ii) May be remarked and certified in accordance with paragraphs (f)(5) and (6) of this section after the cargo tank motor vehicle has been equipped with the self-closing system.

(3) A vacuum-loaded cargo tank constructed prior to August 1, 1981, in conformance with paragraph (f)(1) of this section, except for paragraph (f)(1)(i), may be remarked and certified in accordance with paragraphs (f) (5) and (6) of this section.

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(4) A vacuum-loaded cargo tank constructed prior to August 1, 1981, in conformance with paragraph (f)(1) of this section, except for paragraph (f)(1)(i) of this section, and except that an outlet is equipped with an external valve which is not part of a self-closing system:

(i) Must be equipped with a self-closing system prior to September 1, 1993.

(ii) May be remarked and certified in accordance with paragraphs (f)(5) and (6) of this section after the cargo tank motor vehicle has been equipped with the self-closing system.

(5) The owner of a cargo tank for which a determination has been made that the cargo tank is in conformance with paragraph (f) (1), (2), (3), or (4) of this section shall complete a written certification, in English, signed by the owner and containing at least the following information:

(i) A statement certifying that each cargo tank conforms to §180.405 (f) (1), (2), (3), or (4);

(ii) The applicable DOT exemption number, the applicable specification number and the owner's and manufacturer's serial number for the cargo tank;

(iii) A statement setting forth any modifications made to bring the cargo tank into conformance with §180.405(f) (1), (2), (3), or (4), or the applicable specification;

(iv) A statement identifying the person certifying the cargo tank and the date of certification.

(6) The owner of a certified cargo tank shall remove the exemption number stenciled on the cargo tank and shall durably mark the specification plate (or a plate placed adjacent to the specification plate) "MC +++-E ****#####" (where "+++" is to be replaced by the applicable specification number, "*" * * *" by the exemption number and "# # # #" by the alloy.)

(7) A cargo tank remarked and certified in conformance with this paragraph (f) is excepted from the provisions of §180.405(c).

(8) During the period the cargo tank is in service, and for one year thereafter, the owner of a cargo tank that is certified and remarked in this manner must retain on file at its principal

place of business a copy of the certificate and the last exemption in effect.

(g) *Cargo tank manhole assemblies.* (1) MC 306, MC 307, and MC 312 cargo tanks marked or certified after December 30, 1990, and DOT 406, DOT 407, and DOT 412 cargo tank motor vehicles must be equipped with manhole assemblies conforming with §178.345-5 of this subchapter.

(2) On or before August 31, 1995, each owner of a cargo tank marked or certified before December 31, 1990, authorized for the transportation of a hazardous material, must have the cargo tank equipped with manhole assemblies conforming with §178.345-5, except for the dimensional requirements in §178.345-5(a), the hydrostatic testing requirements in §178.345-5(b), and the marking requirements in §178.345-5(e) of this subchapter. A manhole assembly meeting one of the following provisions is considered to be in compliance with this paragraph:

(i) Manhole assemblies on MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 310, MC 311, and MC 312 cargo tanks that are marked or certified in writing as conforming to §178.345-5 of this subchapter or TTMA RP No. 61-98 (incorporated by reference; see §171.7 of this subchapter), or are tested and certified in accordance with TTMA TB No. 107 (incorporated by reference; see §171.7 of this subchapter).

(ii) Manhole assemblies on MC 304 and MC 307 cargo tanks.

(iii) Manhole assemblies on MC 310, MC 311, and MC 312 cargo tanks with a test pressure of 36 psig or greater.

(3) [Reserved]

(h) *Pressure relief system.* Properly functioning reclosing pressure relief valves and frangible or fusible vents need not be replaced. However, replacement of reclosing pressure relief valves on MC-specification cargo tanks is authorized subject to the following requirements:

(1) Until August 31, 1998, the owner of a cargo tank may replace a reclosing pressure relief device with a device which is in compliance with the requirements for pressure relief devices in effect at the time the cargo tank specification became superseded. If the pressure relief device is installed as an

integral part of a manhole cover assembly, the manhole cover must comply with the requirements of paragraph (g) of this section.

(2) After August 31, 1998, replacement for any reclosing pressure relief valve must be capable of reseating to a leak-tight condition after a pressure surge, and the volume of lading released may not exceed 1 L. Specific performance requirements for these pressure relief valves are set forth in §178.345-10(b)(3) of this subchapter.

(3) As provided in paragraph (c)(2) of this section, the owner of a cargo tank may elect to modify reclosing pressure relief devices to more recent cargo tank specifications. However, replacement devices constructed to the requirements of §178.345-10 of this subchapter must provide the minimum venting capacity required by the original specification to which the cargo tank was designed and constructed.

(i) *Flammable cryogenic liquids.* Each cargo tank used to transport a flammable cryogenic liquid must be examined after each shipment to determine its actual holding time (See §173.318(g)(3) of this subchapter.)

(j) *Withdrawal of certification.* A specification cargo tank that for any reason no longer meets the applicable specification may not be used to transport hazardous materials unless the cargo tank is repaired and retested in accordance with §§180.413 and 180.407 prior to being returned to hazardous materials service. If the cargo tank is not in conformance with the applicable specification requirements, the specification plate on the cargo tank must be removed, obliterated or securely covered. The details of the conditions necessitating withdrawal of the certification must be recorded and signed on the written certificate for that cargo tank. The vehicle owner shall retain the certificate for at least 1 year after withdrawal of the certification.

(k) *DOT-specification cargo tank with no marked design pressure or a marked design pressure of less than 3 psig.* The owner of an MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, or MC 312 cargo tank with a pressure relief system set at 3 psig, must mark or remark the cargo tank with an MAWP or design pressure of not less than 3 psig.

(1) *MC 300, MC 301, MC 302, MC 303, MC 305, MC 306 cargo tank—Rear accident damage protection.* (1) Notwithstanding the requirements in §180.405(b), the applicable specification requirement for a rear bumper or rear-end tank protection device on MC 300, MC 301, MC 302, MC 303, MC 305, and MC 306 cargo tanks does not apply to a cargo tank truck (power unit) until July 1, 1992, if the cargo tank truck—

(i) Was manufactured before July 1, 1989;

(ii) Is used to transport gasoline or any other petroleum distillate product; and

(iii) Is operated in combination with a cargo tank full trailer. However, an empty cargo tank truck, without a cargo tank full trailer attached, may be operated without the required rear bumper or rear-end tank protection device on a one-time basis while being transported to a repair facility for installation of a rear bumper or rear-end protection device.

(2) Each cargo tank shall be provided with a rear accident damage protection device to protect the tank and piping in the event of a rear-end collision and reduce the likelihood of damage which could result in the loss of lading. The rear-end protection device must be in the form of a rear-end tank protection device meeting the requirements of §178.345-8(d) or a rear bumper meeting the following:

(i) The bumper shall be located at least 6 inches to the rear of any vehicle component used for loading or unloading or that may contain lading while the vehicle is in transit.

(ii) The dimensions of the bumper shall conform to §393.86 of this title.

(iii) The structure of the bumper must be designed in accordance with §178.345-8(d)(3) of this subchapter.

(m) *Specification MC 330, MC 331 cargo tank motor vehicles, and nonspecification cargo tank motor vehicles conforming to §173.315(k) of this subchapter, intended for use in the transportation of liquefied compressed gases.* (1) No later than the date of its first scheduled pressure test after July 1, 2001, each specification MC 330 and MC 331 cargo tank motor vehicle, and each nonspecification cargo tank motor vehicle conforming to §173.315(k) of this subchapter,

marked and certified before July 1, 2001, that is used to transport a Division 2.1 material, a Division 2.2 material with a subsidiary hazard, a Division 2.3 material, or anhydrous ammonia must have an emergency discharge control capability as specified in §173.315(n) of this subchapter. Each passive shut-off system installed prior to July 1, 2001, must be certified by a Design Certifying Engineer that it meets the requirements of §173.315(n)(2) of this subchapter.

(2) The requirement in paragraph (m)(1) of this section does not apply to a cargo tank equal to or less than 13,247.5 L (3,500 gallons) water capacity transporting in metered delivery service a Division 2.1 material, a Division 2.2 material with a subsidiary hazard, or anhydrous ammonia equipped with an off-truck remote shut-off device that was installed prior to July 1, 2000. The device must be capable of stopping the transfer of lading by operation of a transmitter carried by a qualified person attending unloading of the cargo tank. The device is subject to the requirement in §177.840(o) of this subchapter for a daily test at 45.72 meters (150 feet).

(3) Each specification MC 330 and MC 331 cargo tank in metered delivery service of greater than 13,247.5 L (3,500 gallons) water capacity transporting a Division 2.1 material, a Division 2.2 material with a subsidiary hazard, or anhydrous ammonia, marked and certified before July 1, 1999, must have an emergency discharge control capability as specified in §§173.315(n) and 177.840 of this subchapter no later than the date of its first scheduled pressure test after July 1, 2001, or July 1, 2003, whichever is earlier.

(n) *Thermal activation.* No later than the date of its first scheduled leakage test after July 1, 1999, each specification MC 330 or MC 331 cargo tank motor vehicle and each nonspecification cargo tank motor vehicle conforming to §173.315(k) of this subchapter, marked and certified before July 1, 1999, that is used to transport a liquefied compressed gas, other than carbon dioxide and chlorine, that has a water capacity of 13,247.5 L (3,500 gallons) or less must be equipped with a means of thermal activation for the in-

ternal self-closing stop valve as specified in §178.337–8(a)(4) of this subchapter.

(o) *On-truck remote control of self-closing stop valves—MC 330, MC 331, and MC 338.* On or before October 2, 2006—

(1) Each owner of an MC 330 or MC 331 cargo tank motor vehicle marked or certified before January 1, 1995, must equip the cargo tank with an on-vehicle remote means of closure of the internal self-closing stop valve in conformance with §178.337–8(a)(4) of this subchapter. This requirement does not apply to cargo tanks used only for carbon dioxide and marked “For carbon dioxide only” or intended for use in chlorine service only.

(2) Each owner of an MC 338 cargo tank motor vehicle marked or certified before January 1, 1995, must equip each remotely controlled shutoff valve with an on-vehicle remote means of automatic closure in conformance with §178.338–11(c) of this subchapter. This requirement does not apply to cargo tanks used for the transportation of argon, carbon dioxide, helium, krypton, neon, nitrogen, or xenon, or mixtures thereof.

[Amdt. 180–2, 54 FR 25032, June 12, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §180.405, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 180.407 Requirements for test and inspection of specification cargo tanks.

(a) *General.* (1) A cargo tank constructed in accordance with a DOT specification for which a test or inspection specified in this section has become due, may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. This paragraph does not apply to any cargo tank filled prior to the test or inspection due date.

(2) Except during a pressure test, a cargo tank may not be subjected to a pressure greater than its design pressure or MAWP.

(3) A person witnessing or performing a test or inspection specified in this section must meet the minimum qualifications prescribed in §180.409.